

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – LOS ANGELES REGIONAL WATER BOARD
MAY 21, 2019**

ITEM 2

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION TO REVISE THE TOTAL MAXIMUM DAILY LOAD FOR TRASH IN THE MALIBU CREEK WATERSHED.

DISCUSSION

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) adopted revisions to the TMDL for trash in the Malibu Creek watershed on June 14, 2018, through [Resolution No. R18-006](#). The Los Angeles Water Board originally established the Malibu Creek Watershed Trash TMDL on May 1, 2008; the TMDL became effective on July 7, 2009.

The goal of the Malibu Creek Watershed Trash TMDL is to protect the beneficial uses of the Malibu Creek watershed, which include among others water contact recreation (REC-1), non-contact water recreation (REC-2), warm freshwater habitat (WARM), cold freshwater habitat (COLD), migration of aquatic organisms (MIGR), wildlife habitat (WILD), rare, threatened, or endangered species (RARE), spawning, reproduction, and or early development (SPWN), and wetland habitat (WET).

The currently effective TMDL establishes a numeric target of zero trash. The TMDL assigns waste load allocations (WLAs) to discharges from the municipal separate storm sewer system (MS4) permittees. The TMDL requires MS4 permittees to comply with WLAs by addressing **all** point sources of trash in their respective jurisdictions with full capture systems, or through any lawful manner that addresses equivalent trash control. The TMDL also assigns load allocations (LAs) to local landowners and agencies for nonpoint source discharges of trash. The nonpoint source responsible entities can comply with LAs by implementing a Minimum Frequency of Assessment and Collection/Best Management Practice (MFAC/BMP) program. Under an MFAC/BMP program, responsible entities collect trash at specified frequencies and implement best management practices (BMPs) to progressively reduce the amount of trash accumulating between collection events.

On April 7, 2015, the State Water Resources Control Board (State Water Board) approved the “Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash” and “Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries,” known as the statewide Trash Amendments. The statewide Trash Amendments require MS4 permittees to address point sources of trash ***in priority land use areas only***, which the State Water Board has defined as high-density residential, industrial, commercial, mixed urban, and public transportation stations.

The statewide Trash Amendments apply to all surface waters of the State, with the exception of those waters within the jurisdiction of the Los Angeles Water Board where trash TMDLs were in effect prior to the effective date of the Trash Amendments. The statewide Trash Amendments required the Los Angeles Water Board to convene a public meeting to reconsider the scope of its trash TMDLs, with the exception of those for the Los Angeles River and Ballona Creek

watersheds, to particularly consider an approach that would focus MS4 permittees' trash-control efforts in high-trash generation (priority) land use areas within their jurisdictions.

At a meeting held on June 4, 2018, the Los Angeles Water Board determined that the implementation requirements in the existing Malibu Creek Watershed Trash TMDL could be aligned with the scope of the statewide Trash Amendments. Analysis for the Malibu Creek Watershed Trash TMDL indicated that although there is a potential for some non-priority land use areas to discharge significant amounts of trash from the MS4, there are MFAC/BMP programs downstream that, with some revisions, can effectively control trash discharged from non-priority land use areas through routine collection efforts, thus preventing any impact to beneficial uses. Therefore, the revised TMDL requires responsible entities to revise their trash monitoring and reporting plans (TMRPs) to increase the frequencies and locations of trash collection events to address any trash potentially discharged from non-priority land use areas in the MS4 and to ensure that trash does not accumulate in deleterious amounts between collections. The Los Angeles Water Board found that the revised MFAC/BMP programs will ensure that water quality standards are still attained, as any trash that is discharged from non-priority land use areas in the MS4 will be removed from the downstream waterbody through these MFAC/BMP programs. Therefore, the revised Malibu Creek Trash TMDL requires MS4 permittees to address point source discharges of trash in priority land uses only.

The revision to the TMDL also removes the conditional waiver of waste discharge requirements for discharges of trash from nonpoint sources from the TMDL and replaces it with language referencing the statewide Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program. Staff will bring a conditional waiver to regulate discharges of trash from nonpoint sources to the Board as a separate action. This will allow the conditional waiver to be renewed every five years separate from the basin plan amendment administrative process associated with reconsidering a TMDL.

The revised TMDL also separates the Caltrans requirements from the Los Angeles and Ventura County MS4 permittee requirements. Caltrans now has its own requirements consistent with the statewide Trash Amendments.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to revise the TMDL for Trash in the Malibu Creek watershed?

FISCAL IMPACT

The Los Angeles Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

Yes, approval of this resolution will amend the Los Angeles Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approve the amendment to the Basin Plan adopted under Los Angeles Water Board Resolution No. R18-006.

2. Authorize the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R18-006 as approved, and the administrative record for this action to the Office of Administrative Law and the TMDL revisions to the U.S. EPA for approval if required.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030. In particular, approval of this item will assist in fulfilling Objective 1.1 to implement a statewide strategy to efficiently prepare, adopt, and implement TMDLs, which result in water bodies meeting water quality standards, and adopt and begin implementation of TMDLs for all 2006-listed water bodies by 2019.